

REMARKS

Reconsideration is respectfully solicited.

Claim 1 has been amended in accordance with the specification at page 32, line 25, through page 33, line 2. Claims 7-9, 36-39, 40-43, and 44-47 have been canceled.

Claims 1-6 recite *inter alia* supplying heat for a reforming reaction from a first power generating means. Amendment herein is to emphasize that fact.

One of the important features of the present invention is that a first power generating means supplies waste heat required for said steam reforming reaction outside of the reforming means placed nearby the first power generating means. Xu does not disclose, and teaches away from, such feature. Applicant advises that Xu does not disclose a stack cell or power generator placed near by a reformer, although the Examiner asserts at col. 3, line 56, *et seq.*, and relied upon that portion of the reference to assert, in turn, that Applicant's claims are disclosed in Xu (col. 3, line 56, *et seq.*).

Applicant respectfully traverses the rejections of claims over Xu, alone or in view of Morimoto *et al.* or further in view of Gagnon and/or Scheffler.

In Applicant's view, the analysis of the U.S. PTO does not appear to establish the differences between the subject matter claimed and the information in the applied references; this determination is one of the elements of the *Graham v. John Deere* investigation. In Applicant's view, the Graham inquiry is still U.S. PTO policy with respect to the analysis the PTO must undertake in reaching any conclusion under 35 U.S.C. 103(a). It is the objective initial factual

inquiry. Further in Applicant's view, the U.S. PTO has not undertaken any inquiry in connection with the third determination under Graham.

If the determination required by *Graham v. John Deere* is undertaken, the claims presented herein are patentable. Specifically, the allegations that certain element(s) "read(s)" on does not appear to be the analysis dictated by the Graham second inquiry. It is Applicant's opinion that the claims are patentable, and Applicant respectfully traverses the rejections of the claims over Xu, alone or in view of Morimoto *et al.*

Xu does not teach a second power generating means. Accordingly, Xu does not describe the last two paragraphs of Claim 1. The question of obviousness can not be predicated on unknown information.

Morimoto requires a direct "**first line**" for introducing in the second fuel cell gasses discharged from the first anode into a second anode; and a **second line** for introducing it into the second anode gases discharged from the first cathode. Morimoto does not appear to describe the last three paragraphs of Claim 1 under rejection. Accordingly, together, the references fail to describe the last two paragraphs of Claim 1; that is, Morimoto fails to make up for the Xu description deficiencies. Accordingly, the combination of the two references does not establish a *prima facie* case of obviousness.

Applicant respectfully traverses the rejection of Claims 3, 6, and 9, 20, 21, 32 , 33, 44, and 45 under 35 U.S.C. 103 over Xu, alone or in view of Morimoto *et al*, and further in view of Gagnon. As noted above, Xu and Morimoto *et al*, alone or in combination, fail to describe at least the last two paragraphs of Claim 1. In Applicant's view, the Gagnon description at column 3 refers to a "hydrogen condenser 42," but does not make up for the deficiencies of Xu and

Morimoto discussed above. There is nothing in the Gagnon description which requires a second power generating means of Claim 1 under examination.

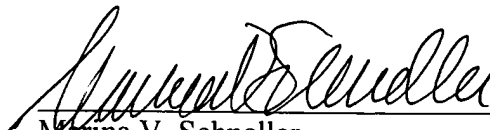
Applicant respectfully traverses the rejections of Claims 12-19 24-31, and 36-43 over Xu, alone or in view of Morimoto *et al.* or further in view of Scheffler. Applicant also respectfully traverses the rejection of Claims 20, 21, 32, 33, 44, and 45 over Xu, alone or in view of Morimoto *et al.* and Gagnon further in view of Scheffler.

In Applicant's view, there is nothing in the Scheffler description which requires a second power generating means. Thus, Applicant disagrees with the U.S. PTO's allegation that it would be obvious to modify Xu with a "powerplant microprocessor control" and "air inlet valve" of Scheffler. Xu provides no reason to make such a modification, nor does Scheffler suggest that such a modification of Xu's description is appropriate. For the reasons set forth above, the Xu reference deficiencies also dictate that a combination of the Gagnon reference would not result in the subject matter of Claim 1.

Reconsideration and an early allowance are respectfully solicited.

Respectfully submitted,

Date: January 11, 2008



Marina V. Schneller
Registration No. 26,032
VENABLE LLP
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 344-4000
Telefax: (202) 344-8300